

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michel Bublot et al.
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For : EQUINE GM-CSF
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3239 Satellite Blvd., Duluth, Georgia 30096-4640
745 Fifth Avenue, New York, New York 10151

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TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Thomas J. Kowalski, declare that I am an attorney of record and that I am authorized to execute terminal disclaimers on behalf of Merial Ltd. ("Merial") pursuant to 37 C.F.R. § 1.321(b)(1)(iv) for the above-captioned application ("the present application") and U.S. Patent No. 6,645,740 ("the '740 patent");

That Merial is the assignee of the entire right, title and interest in the '740 patent by virtue of the assignment as set out at Reel 011376 and Frame 0121, where said assignment was recorded at the U.S. Patent and Trademark Office on 12/11/2000, and the assignment as set out at Reel 014199 and Frame 0378, where said assignment was recorded at the U.S. Patent and Trademark Office on 06/24/2003;

That Merial is the assignee of the entire right, title and interest in, to and under the present application by virtue of the assignment as set out at Reel 019003 and Frame 0960, where

said assignment was recorded at the U.S. Patent and Trademark Office on 03/13/2007, and the assignment as set out at Reel 019007 and Frame 0788, where said assignment was recorded at the U.S. Patent and Trademark Office on 03/14/2007;

That Merial hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of any patent granted on the '740 patent;

That Merial hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '740 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '740 patent, in the event that said '740 patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

That no terminal part of any patent granted on the present application is disclaimed in the event that no patent is granted on the present application;

In accordance with 37 C.F.R. § 3.73(b), the undersigned agent of record is empowered to sign this Statement on behalf of the assignee, and thus, that the undersigned has reviewed documents in the chain of title of the patent applications identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above;

This paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents;

Entry and recordation of this Terminal Disclaimer is earnestly solicited. A fee of \$130.00 is believed to be due. The Commissioner is hereby authorized to charge any additional required fee for this paper, or to credit any overpayment in fees, to Deposit Account No. 50-0320.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,
MERRILL LTD.
FROMMER LAWRENCE & HAUG LLP

By: /Thomas J. Kowalski/
Judy Jarecki-Black, Ph.D.
Reg. No. 44,170
Tel. No. (678) 638-3805
Fax No. (678) 638-3350
Thomas J. Kowalski
Reg. No. 32,147
Deborah L. Lu, Ph.D.
Reg. No. 50,940
Tel. No. (212) 588-0800
Fax No. (212) 588-0500